

## Message Text

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ACTION DLOS-09

INFO OCT-01 AF-10 ARA-10 EA-10 EUR-12 NEA-10 ACDA-12  
AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00  
COME-00 DODE-00 DOTE-00 EB-08 EPA-01 SOE-01  
DOE-12 FMC-01 TRSE-00 H-01 INR-07 INT-05 IO-13  
JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-07 OMB-01  
PA-01 PM-05 PRS-01 SP-02 SS-15 USIA-06 STR-05  
ISO-00 /182 W

-----002819 231406Z /45

R 231306Z DEC 77  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC 4270  
INFO USMISSION GENEVA  
AMEMBASSY BRUSSELS  
AMEMBASSY LONDON  
AMEMBASSY PARIS  
AMEMBASSY TOKYO  
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 01 OF 03 BONN 21289

USMTN, USEEC INFO ONLY  
E.O. 11652: GDS  
TAGS: PLOS, EMIN, GW  
SUBJ: LOS HEARINGS (SEABED MINING) BEFORE BUNDESTAG

REF: (A) GENEVA 10174 (B) MEMCON: ROHWEDDER-  
RICHARDSON DISCUSSION (C) STATE 277112

SUMMARY: A JOINT-COMMITTEE OF THE BUNDESTAG HELD PUBLIC  
HEARINGS ON LOS-SEABED MINING PROBLEMS AT WHICH MANY  
EXPERT WITNESSES CRITICIZED PRESENT DRAFT PROPOSAL AS  
UNACCEPTABLE. AN UNOFFICIAL DRAFT FOR A NATIONAL SEABED  
MINING LAW WAS PRESENTED BY GERMAN MINING ASSOCIATION  
FOR ILLUSTRATIVE PURPOSES. MINISTRY OF ECONOMICS  
OFFICIALS COMMENTED THAT JOINT-COMMITTEE HEARING WAS  
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USEFUL AS GAUGE OF WIDESPREAD NEGATIVE INDUSTRIAL AND  
PUBLIC OPINION ON PROGRESS OF LOS NEGOTIATIONS, BUT THAT  
ACTUAL LEGISLATIVE HEARINGS WOULD FIRST TAKE PLACE EARLY  
NEXT YEAR AFTER INTRODUCTION BY FRG OF GOVERNMENT DRAFT  
LEGISLATION. NO FINAL ACTION ON FRG DRAFT LEGISLATION  
EXPECTED BEFORE CONCLUSION OF SPRING 1978 SESSION OF  
LOS CONFERENCE.

ACTION REQUESTED: MINISTRY OFFICIALS RAISED SPECIFIC QUESTIONS ON US POLICY AND VIEWS PARAS 8 AND 10. DEPARTMENT COMMENTS WOULD BE APPRECIATED.

1. ON DECEMBER 7 A JOINT COMMITTEE OF THE GERMAN BUNDESTAG (FOREIGN AND ECONOMIC AFFAIRS COMMITTEES) HELD HEARINGS ON "PROBLEMS OF THE THIRD UN--LAW OF THE SEA CONFERENCE, ESPECIALLY QUESTIONS INVOLVING SEABED MINING". WITNESSES FROM THE LAENDER GOVERNMENTS OF SCHLESWIG-HOLSTEIN, LOWER SAXONY, BREMEN AND HAMBURG, TOGETHER WITH SOME 50 OTHER EXPERT WITNESSES FROM VARIOUS UNIVERSITIES AND INDUSTRY ASSOCIATIONS GAVE TESTIMONY. THE OBJECTIVE OF THE HEARING WAS TO CALL PUBLIC ATTENTION TO THE PROBLEMS INVOLVED IN SEABED MINING NEGOTIATIONS PRIOR TO THE THIRD NEGOTIATING SESSION THIS SPRING.

2. SOME OF THE MAIN POINTS COVERED IN THE HEARINGS WERE: (A) "MASSIVE CRITICISM" OF THE "DIRIGISTE" PROPOSALS OF SOME DEVELOPING COUNTRIES FOR ESTABLISHMENT OF A SEA BED AUTHORITY TO CONTROL DEEP SEA MINING; (B) SUPPORT FOR MAINTENANCE OF FREEDOM OF THE SEAS AND OF GUARANTEES FOR FREE PASSAGE THROUGH NARROW PASSAGES AND IN THE 200 MILE ECONOMIC ZONE; (C) A CALL FROM THE ASSOCIATION OF GERMAN HIGH SEAS FISHERMEN FOR PARTICIPATION BY THE EC IN THE CONFERENCE TO HELP  
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COORDINATE AND STRENGTHEN THE EUROPEAN FISHING RIGHTS;

3. THE GERMAN MINING ASSOCIATION (WIRTSCHAFTSVEREINIGUNG BERGBAU) EXPRESSED GREAT CONCERN ABOUT THE DEVELOPMENTS ON SEABED MINING. THE ASSOCIATION MAINTAINS THAT FIRM LEGAL RIGHT FOR PRIVATE COMPANIES TO MINE THE SEABED IS THE SINE QUA NON OF A FINAL TREATY. THEY ALSO DEPLORED THE TENDENCY OF THE LDC'S TO DRAG THE WHOLE MATTER INTO THE NORTH-SOUTH CONFLICT AND REJECTED AS UNWARRANTED DEMANDS FOR "UNCOMPENSATED TRANSFER OF TECHNOLOGY" TO DEVELOPING COUNTRIES. THE ASSOCIATION SAID FURTHER THE ONLY CHANCE THEY CAN SEE FOR CONCLUSION OF A SATISFACTORY AGREEMENT IS IN FRAMING AN INTERIM SOLUTION WHICH ALLOWED FOR FIRM CONTRACTUAL ARRANGEMENTS BETWEEN PARTICIPATING COUNTRIES.

4. IN OTHER STATEMENTS: GRAF VITZTHUM (FREIBURG) MADE A STRONG STATEMENT THAT PRIVATE INVESTMENT IN SEABED MINING WOULD ONLY OCCUR IF FULL CONTROL OF TECHNICAL AND MARKETING ASPECTS LAY IN THE HANDS OF THE PRIVATE CONSORTIA. DR. GUENTHER JAENICKE (FRANKFURT) POINTED OUT THE BAD PRECEDENTS THAT WOULD FLOW FROM ACCEPTANCE

OF THE INTERNATIONAL SEABED AUTHORITY AS PROPOSED  
(THESE STATEMENTS IN GERMAN WILL BE AIR POUCHED).

5. LATER, EMBOFF CALLED ON SCHARNHORST-MUELLER, LUKAS  
AND HEIN IN ECONOMICS MINISTRY TO GET THEIR VIEW OF

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C O N F I D E N T I A L SECTION 02 OF 03 BONN 21289

OUTCOME OF HEARING AND OF PRESENT STATUS OF POSSIBLE  
FRG DRAFT NATIONAL LEGISLATION FOR EXPLOITATION OF  
SEABED RESOURCES. SCHARNHORST-MUELLER SAID BUNDESTAG  
HEARING HAD BEEN AN INTERESTING PREVIEW OF FUTURE  
HEARINGS TO BE HELD NEXT YEAR AND PRESENTED A  
REPRESENTATIVE CROSS-SECTION OF GERMAN OPINION (MOSTLY  
NEGATIVE) ON PROGRESS SO FAR ON SEA BED MINING AGREE-  
MENT. HE SAID THAT THE IMPORTANT POINT WHICH CLEARLY  
EMERGED WAS THAT PRESENT DRAFT SEA BED MINING PROPOSAL  
WAS CLEARLY UNACCEPTABLE TO THE FRG AND, IF INCLUDED IN  
THE FINAL TREATY, WOULD LEAD TO REJECTION OF THE TREATY

AS A WHOLE.

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6. WHEN ASKED ABOUT THE STATUS OF POSSIBLE NATIONAL LEGISLATION, SCHARNHORST-MUELLER SAID THAT AT PRESENT THERE WAS NO DRAFT LAW BEFORE THE PARLIAMENT, BUT THAT HE ANTICIPATED DRAFT SEA BED MINING LEGISLATION WOULD BE APPROVED BY THE GOVERNING PARTIES AFTER MID-JANUARY AND WOULD BE REFERRED TO A BUNDESTAG COMMITTEE. THIS WOULD BE FOLLOWED BY ADDITIONAL HEARINGS AND CONSIDERATION IN THE BUNDESTAG. HE DID NOT FORESEE PASSAGE OF LEGISLATION UNTIL IT WAS CLEAR WHAT THE OUTCOME OF THE SPRING 1978 SESSION WOULD BE AND UNTIL IT WAS CLEAR WHAT THE FINAL ACTION ON PROPOSED US LEGISLATION WOULD BE.

7. IN COURSE OF HEARINGS, THE BUNDESVERBAND DER DEUTSCHEN INDUSTRIES (BDI-FEDERAL ASSOCIATION OF GERMAN INDUSTRY) SUBMITTED ITS OWN SUGGESTED DRAFT LEGISLATION TO THE BUNDESTAG COMMITTEE (A COPY IN GERMAN IS BEING AIR-POUCHED) AND EMBOFF INQUIRED AS TO STATUS OF BDI'S DRAFT. SCHARNHORST-MUELLER SAID THAT WHILE BDI HAD HAD DISCUSSIONS WITH THE MINISTRY ON THE SUBJECT, THE BDI DRAFT WAS IN NO WAY OFFICIAL OR ACCEPTED BY THE FRG; THE BDI DRAFT WAS MERELY THE INDUSTRY'S IDEA OF WHAT THEY WOULD LIKE TO HAVE IN LEGISLATIVE FORM AND SHOULD NOT BE THOUGHT OF AS A MODEL OF WHAT THE MINISTRY WOULD BE PROPOSING LATER ON. (WE SUCCEEDED IN GETTING FROM OTHER SOURCES A COPY OF PRELIMINARY MINISTRY PROPOSED LEGISLATION AND BACKGROUND MATERIAL WHICH IS BEING AIR-POUCHED--PLEASE DO NOT REVEAL OUR POSSESSION OF THESE DOCUMENTS).

8. DURING CONVERSATION SCHARNHORST-MUELLER RAISED A NUMBER OF QUESTIONS ON US POLICY WHICH WERE OF CONCERN TO THE FRG. FIRST, HE SAID THAT HE WAS HEARING TALK  
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OF A REVIVAL OF US INTEREST IN PUSHING A JOINT-VENTURE TYPE SYSTEM (I.E. COMPANIES--AUTHORITY JOINT VENTURES WHERE COMPANIES WOULD HAVE FULL OPERATIVE CONTROL) IN PLACE OF THE PARALLEL SYSTEM. HE SAID SOMETHING ALONG THESE LINES HAD BEEN LONG ADVOCATED BY THE AUSTRIANS AND HAD BEEN PREVIOUSLY DISCARDED. HE SAID AUSTRIAN AMBASSADOR WOLFF (SIC) WAS TALKING UP THE PROPOSAL ONCE

AGAIN. WOLFF ALLEGEDLY DISCUSSED THE MATTER WITH  
AMBASSADOR RICHARDSON WHO APPEARED VERY FAVORABLY  
DISPOSED TO JOINT-VENTURES. SCHARNHORST-MUELLER  
WONDERS WHETHER PREVIOUS US DIFFICULTIES WITH JOINT-  
VENTURE PROPOSALS ARE NO LONGER THE BARRIERS THEY ONCE  
WERE? A SECOND QUESTION CONCERNED REPORTS THE FRG WAS  
GETTING FROM JAPAN COMPLAINING ABOUT A LACK OF US  
SENSITIVITY TO THE "DELICATE POSITION ON DEEP SEA  
MINING" CONFRONTING THE JAPANESE, I.E. DEPENDENCE ON  
RAW MATERIAL IMPORTS AND RETENTION OF GOOD WILL OF

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LDC'S ETC. HE WONDERED WHAT HAD BEEN THE RESULT OF  
RECENT US TALKS (INCLUDING A VISIT BY SEVERAL US  
CONGRESSMEN) WITH THE JAPANESE AND WHAT WOULD BE OUR  
ASSESSMENT OF THE JAPANESE POSITION IN THE NEGOTIATIONS?  
WE WOULD APPRECIATE DEPARTMENT COMMENTS ON THESE  
POINTS.

9. SOME WEEKS AGO THE GERMAN PRESS REPORTED THE PENDING REPLACEMENT OF AMBASSADOR KNOKE, WHO HAD ALREADY OFFICIALLY RETIRED SOME TIME AGO BUT WAS RECALLED TO WORK ON LOS, BY DR. JELONEK, PRESENTLY CHIEF OF THE FOREIGN OFFICE'S DIVISION OF EUROPEAN ECONOMIC AND MONETARY POLICY. JELONEK TOLD US THAT HE HAD BEEN CONFIDENTIAL

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OFFERED THE JOB BUT WAS NOT TOO KEEN ON TAKING IT AND THAT THE PRESS REPORTS WERE PREMATURE.

10. FINALLY, SCHARNHORST-MUELLER SAID HE UNDERSTOOD A GROUP OF CONGRESSMENT INTERESTED IN SEA BED MINING, INCLUDING CONG. BREAUX, WAS PLANNING TO VISIT THEIR OPPOSITE NUMBERS IN THE GERMAN BUNDESTAG TOWARD THE END OF JANUARY. EMBASSY WOULD APPRECIATE INFORMATION ON PROJECTED VISIT. CONTACT IS G. WAYNE SMITH, CA TO CONGRESSMAN BREAUX TEL 225 7508).  
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## Message Attributes

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**Decaption Note:** 25 YEAR REVIEW  
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**Disposition Approved on Date:**  
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Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009